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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

CHAPIN et al. v. LAKE.

June 11, 1914.

[82 S. E. 89.]

Municipal Corporations (§ 801*)—Streets—Abandonment—Obstructions—Right to Compel Removal.—Where purchasers of lots, designated on a plat showing a division of a tract into lots and streets, used the land covered by the streets dedicated to the public, but never accepted, and built structures thereon, the street, as between the purchasers, was abandoned by them, and neither could maintain a suit against the other for the removal of obstructions placed on the street for the most part after it had been closed.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. §§ 1660-1665; Dec. Dig. § 801.* 12 Va.-W. Va. Enc. Dig. 876]

Appeal from Circuit Court, Loudoun County.

Suit by E. E. Lake against J. B. Throckmorton, Chapin and wife, and others. From a decree for complainant, certain of the defendants appeal. Reversed, and decree entered dismissing the bill.

E. E. Garrett, of Leesburg, for appellants.

Cecil Connor and *Richard H. Tebbs*, both of Leesburg, for appellee.

COOK'S ADM'X v. CITY OF DANVILLE.

June 11, 1914.

[82 S. E. 90.]

1. Municipal Corporations (§ 764*)—Condition of Streets—Care Required.—A city is not required to make its streets safe for travelers, but fulfills its duty when it makes them reasonably safe for those exercising reasonable care for their own protection.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. §§ 1616-1620; Dec. Dig. § 764.* 12 Va.-W. Va. Enc. Dig. 901.]

2. Municipal Corporations (§ 796*)—Defective Streets—Action for Damages—Negligence.—Where a city, while repairing a street,

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

stretched a rope three-fourths of an inch in diameter, and plaintiff, a motor cyclist, ran into it and was killed, there was no actionable negligence upon the part of the city.

[Ed. Note.—For other cases, see *Municipal Corporations*, Cent. Dig. § 1655; Dec. Dig. § 796.* 12 Va.-W. Va. Enc. Dig. 907.]

Error to Corporation Court of Danville.

Action by Cook's administratrix against the City of Danville. Judgment for defendant, and plaintiff brings error. Affirmed.

Scott & Buchanan, of Richmond, and *B. H. Custer*, of Danville, for plaintiff in error.

E. W. Brown, of Danville, for defendant in error.

NORFOLK TRUCKERS' EXCHANGE, Inc., v. NORFOLK SOUTHERN R. CO.

June 11, 1914.

[82 S. E. 92.]

1. Carriers (§ 184*)—Contracts—Liability of Initial Carrier—Federal Statutes.—A shipper suing the initial carrier for delay in the transportation of an interstate shipment may invoke the Carmack Amendment (Act June 29, 1906, c. 3591, § 7, pars. 11, 12, 34 Stat. 595 [U. S. Comp. St. Supp. 1911, p. 1307]), though the declaration does not aver the existence of any connecting carrier, or show any facts allowing the amendment to operate, but merely asserts a common-law claim.

[Ed. Note.—For other cases, see *Carriers*, Cent. Dig. §§ 832-834; Dec. Dig. § 184.* 2 Va.-W. Va. Enc. Dig. 685.]

2. Carriers (§ 176*)—Initial Carrier—Liability—Federal Statutes.—The Carmack Amendment (Act June 29, 1906, c. 3591, § 7, pars. 11, 12, 34 Stat. 595 [U. S. Comp. St. Supp. 1911, p. 1307]), which makes the initial carrier responsible for "loss or damage or injury to goods," covers a case of damage to a shipper caused by delay in the transportation of an interstate shipment.

[Ed. Note.—For other cases, see *Carriers*, Cent. Dig. §§ 766-774; Dec. Dig. § 176.* 2 Va.-W. Va. Enc. Dig. 685.]

3. Carriers (§ 103*)—Delay in Transportation—Pleadings—Proof.—A declaration in an action against a carrier, which alleges that the carrier received from the shipper potatoes for transportation for a reasonable reward from one point to another point, and that the carrier so negligently conducted itself that by reason thereof the potatoes were lost, justifies evidence of unreasonable delay in the trans-

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.